UNITED STATES COURT OF INTERNATIONAL TRADE
BEFORE: HON. GREGORY W. CARMAN, JUDGE

ORLEANS INTERNATIONAL, INC.,	:	
Plaintiff,	:	Consolidated Court No. 01-00576 (as per schedule attached)
v.	:	
UNITED STATES,	:	
Defendant.	:	

ORDER

Upon consideration of plaintiff's motion to designate a test case and to suspend cases thereunder, and upon all other papers and proceedings had herein, it is hereby

ORDERED that plaintiff's motion be granted and Consolidated Court No. 01-00576, be designated as a test case and that the cases listed on the schedule attached hereto and made a part hereof be suspended thereunder.

_____
Judge

Dated: New York, New York
This ____ day of _____, 2003

Schedule

Court Number	Plaintiff
02-00165	Pierce Trading International, Inc.
02-00166	Orleans International, Inc.
02-00182	A.S.C. Meyner a/k/a A.S.C. Meat Imports, Ltd.
02-00360	Pierce Trading International,Inc.
02-00451	Orleans International, Inc.
02-00528	A.S.C. Meat Imports, Ltd.
02-00606	Orleans International, Inc.
02-00634	Orleans International, Inc.
02-00708	A.S.C. Meat Imports, Ltd.
02-00711	Orleans International
02-00712	Pierce Trading International, Inc.
03-00252	Orleans International, Inc..
03-00461	Sampco, Inc.
03-00497	Rind International Trading
03-00630	Richmond Specialty Beef Imports
03-00804	Finnbar Intrnational. LLC.
03-00805	Secrest Watson International
03-00813	Galaxy International, Inc., Astro Meat & Seafood, Inc.
03-00820	Century International Trading
03-00830	Swift & Company Australia Meat Holdings Pty. Limited ConAgra-AMH

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v.	:	
UNITED STATES,	:	
Defendant.	:	

CONSENT MOTION TO DESIGNATE A TEST CASE AND TO SUSPEND

Pursuant to Rules 7 and 84 of the Rules of the United States Court of International Trade, plaintiff, by its attorneys, Barnes, Richardson & Colburn, with the consent of defendant, hereby moves this Court for an order designating the above-captioned action as a test case and for an order suspending under that test case the actions listed on the schedule annexed to this motion.

The imported merchandise in this action and in the actions listed on the attached schedule consists of imported beef products. The proposed test case and the actions for which suspension is now sought involve the same significant issues of law and fact, namely the Customs Service's assessment of beef fees on the imported merchandise. Plaintiff claims that the assessment of beef fees required to be paid by plaintiffs is unconstitutional.

Plaintiff is actively prosecuting Consolidated Court No. 01-00576, which is the action the parties seek to designate as a test case and suspend cases thereunder. Plaintiff believes test case designation of Consolidated Court No. 01-00576, and suspension thereunder of the actions listed on the attached schedule, will permit the most efficient prosecution of these cases and thereby promote the interests of justice. As the schedule demonstrates, the parties seek to suspend 20 actions under the proposed designated test case. The proposed test case and the 20 actions to be suspended involve

multiple ports of entry and hundreds of entries. This controversy is continuing in nature. Plaintiff believes that the use of the test case/suspension procedure will reduce or eliminate the need to duplicate in the suspended cases the efforts already made or underway in the test case.

It is respectfully submitted that designating the captioned action as a test case and suspending the related cases thereunder permits the most efficient prosecution of these cases and thereby promotes the interests of justice. In *Generra Sportswear, Inc. v. United States*, 16 CIT 313 (1992), the Court of International Trade held that the test case/suspension procedure was warranted because those actions had a common significant issue of law or fact, and involved a large number of entries from different ports. Plaintiff believes that the same type of facts that led the *Generra* Court to grant test case designation are present in these actions, and that the test case and suspension therefore will best serve the administration and resolution of these matters.

On November 18, 2003, the undersigned counsel consulted with Aimee Lee, Esq., counsel for defendant in this matter, who stated that defendant consents to the relief requested by this motion.

WHEREFORE, plaintiff prays that this motion be granted.

Respectfully submitted.
BARNES, RICHARDSON & COLBURN
Attorneys for Plaintiff
475 Park Avenue South
New York, New York 10016
Tel: (212)725-0200

By: _____
Alan Goggins

Dated: November 19, 2003
New York, NY

Schedule

Court Number	Plaintiff
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02-00166	Orleans International, Inc.
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	Astro Meat & Seafood, Inc.
03-00820	Century International Trading
03-00830	Swift & Company
	Australia Meat Holdings Pty. Limited
	ConAgra-AMH

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